

EXHIBIT A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Brendan M. Kunkle 173292 / John M. Sanford 300421 Abbey, Weitzenberg, Warren and Emery 100 Stony Point Road, Suite 200 Santa Rosa, CA 95401 TELEPHONE NO.: (707) 542-5050 FAX NO. (Optional): (707) 542-2589 E-MAIL ADDRESS (Optional): jsanford@abbeylaw.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sonoma STREET ADDRESS: 600 Administration Drive, Room 107-J MAILING ADDRESS: CITY AND ZIP CODE: Santa Rosa, CA 95403 BRANCH NAME:	
PLAINTIFF: MERRILEE DADAOS and JAMES DADAOS DEFENDANT: ALLERGAN, INC.; ALLERGAN USA, INC.; AND <input checked="" type="checkbox"/> DOES 1 TO <u>60</u>	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. **Plaintiff** (name or names): MERRILEE DADAOS and JAMES DADAOS

alleges causes of action against **defendant** (name or names): ALLERGAN, INC.; ALLERGAN USA, INC.; AND DOES 1 to 60

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☐ **except** plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ **except** plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

Case 3:22-cv-02394-JD Document 1-1 Filed 04/18/22 Page 3 of 38

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (name):
ALLERGAN, INC.
(1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- c. ☐ **except** defendant (name):

(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- b. ☒ **except** defendant (name):
ALLERGAN USA, INC.
(1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- d. ☐ **except** defendant (name):

(1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 21 to 25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 26 to 30 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, **and**
- a. ☐ has complied with applicable claims statutes, **or**
- b. ☐ is excused from complying because (specify):

SHORT TITLE:

Case 3:22-cv-02394-JD Document 1-1 Filed 04/18/22 Page 4 of 38

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):
- ☐ Motor Vehicle
 - ☒ General Negligence
 - ☐ Intentional Tort
 - ☒ Products Liability
 - ☐ Premises Liability
 - ☒ Other (*specify*):
Loss of consortium.
11. Plaintiff has suffered
- ☒ wage loss
 - ☐ loss of use of property
 - ☒ hospital and medical expenses
 - ☒ general damage
 - ☐ property damage
 - ☒ loss of earning capacity
 - ☒ other damage (*specify*):
Loss of consortium and other damages according to proof.
12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- ☐ listed in Attachment 12.
 - ☐ as follows:
13. The relief sought in this complaint is within the jurisdiction of this court.
14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- (1) ☒ compensatory damages
 - (2) ☐ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
 - (2) ☐ in the amount of: \$
15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 3/22/2022

JOHN M. SANFORD

(TYPE OR PRINT NAME)

John M. Sanford

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

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DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

FIRST

CAUSE OF ACTION- General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): MERRILEE DADAOS and JAMES DADAOS

alleges that defendant (name): ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 60

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date):

at (place):

(description of reasons for liability) :

On October 6, 2015, plaintiff MERRILEE DADAOS underwent a bilateral breast implant procedure at Sutter Santa Rosa in Santa Rosa, California. Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants were placed into plaintiff's chest. In October 2021, plaintiff developed significant swelling and pain in her breasts. She was then diagnosed with Breast Implant-Associated Anaplastic Large Cell Lymphoma (BIA-ALCL). On November 28, 2021, plaintiff underwent bilateral surgical removal of the implants and subsequent radiology, oncology, breast surgery, and plastic surgery treatment.

Defendants, and each of them, were negligent and failed to use reasonable care in their design, manufacture, sale, marketing, distribution, of the Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants. As a direct and proximate result of defendants' negligence, plaintiff developed BIA-ALCL. Plaintiff sustained significant personal injury as a result of developing BIA-ALCL.

SHORT TITLE:

Case 3:22-cv-02394-JD Document 1-1 Filed 04/18/22 Page 6 of 38

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

SECOND

CAUSE OF ACTION- Products Liability

Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): MERRILEE DADAOS

Prod. L-1. On or about (date): October 1, 2021 plaintiff was injured by the following product:
Allergan Natrelle 410 Highly Cohesive Anatomically Shaped
Silicone-Filled Breast Implants.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

☒ used in the manner intended by the defendants.☒ used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☒ purchaser of the product.☒ user of the product.☒ bystander to the use of the product.☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ **Count One-Strict liability** of the following defendants whoa. ☒ manufactured or assembled the product (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 10b. ☒ designed and manufactured component parts supplied to the manufacturer (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 11 to 20c. ☒ sold the product to the public (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 21 to 30Prod. L-5. ☒ **Count Two-Negligence** of the following defendants who owed a duty to plaintiff (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 31 to 40Prod. L-6. ☒ **Count Three-Breach of warranty** by the following defendants (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 41 to 50a. ☒ who breached an implied warrantyb. ☒ who breached an express warranty which was☒ written ☒ oralProd. L-7. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☒ as follows:

Does 51 to 60

SHORT TITLE: - DADAOS, et al. v. ALLERGAN, INC. et al.	CASE NUMBER:
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ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

THIRD CAUSE OF ACTION
(Loss of Consortium)

1. Plaintiffs reallege and incorporate by reference the allegations contained in all the paragraphs above and below in this complaint.
2. Plaintiffs are, and at all relevant times alleged herein, were lawfully married.
3. As alleged above, and as a result of the conduct of the Defendants, Plaintiff MERRILEE DADAOS sustained significant injuries and damages.
4. As a direct and proximate result of the aforementioned injuries suffered by Plaintiff JAMES DADAOS's spouse, MERRILEE DADAOS, Plaintiff JAMES DADAOS has been deprived, continues to be deprived, and expects to be deprived in the future, of his spouse's companionship, affection, love, sexual relations, conjugal fellowship, physical assistance in maintaining the family home and comfort for a non-determinable length of time, which deprivation has caused, continues to cause, and in the future is expected to cause Plaintiff to suffer depression, emotional distress, loss of earning capacity, past, present, and future, and other injuries, the full extent of which has not yet been ascertained, but which will be stated according to proof at trial.
5. As a further direct and proximate result of the aforesaid conduct of defendants, and each of them, Plaintiff JAMES DADAOS has sustained a loss of consortium, love, society, comfort and affection with respect to Plaintiff MERRILEE DADAOS and has thereby sustained pecuniary loss in a sum within the jurisdictional limits of the Court, which will be stated according to proof at trial.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ____ of ____
(Add pages as required)

EXHIBIT B

Case Information

SCV-270446 | Dadaos vs. Allergan, Inc.

Case Number	Court	Judicial Officer
SCV-270446	Civil	Nadler, Gary
File Date	Case Type	Case Status
03/22/2022	23: Unlimited Other PI/PD/WD	Active

Party

Plaintiff
Dadaos, James

Active Attorneys ▼
Attorney
KUNKLE, BRENDAN M
Retained

Lead Attorney
SANFORD, JOHN M
Retained

Plaintiff
Dadaos, Merrilee

Active Attorneys ▼
Lead Attorney
SANFORD, JOHN M
Retained

Attorney
KUNKLE, BRENDAN M
Retained

Defendant
Allergan, Inc.

Defendant
Allergan USA, Inc.

Events and Hearings

03/22/2022 Complaint Filed ▼
Comment and DOES 1 to 60
03/22/2022 Civil Case Cover Sheet
03/22/2022 Summons Issued
03/22/2022 Notice of Assignment to 1 Judge and Notice of CMC
03/22/2022 Proof of Service - 30 Days Summons and Complaint ▼
Requested By Dadaos, James, Dadaos, Merrilee
Unserved
Unserved
07/21/2022 Case Management Conference ▼
Judicial Officer Nadler, Gary
Hearing Time 3:00 PM

EXHIBIT C



Corporate Creations Network Inc.
801 US Highway 1 North Palm Beach, FL 33408

Allergan, Inc.
Ellen T. Klaus
AbbVie Inc.
1 North Waukegan Road
Bldg AP34
North Chicago IL 60064

03/29/2022

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2022-60

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. IMPORTANT: All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	Allergan, Inc.
2.	Title of Action:	Merrilee Dadaos and James Dadaos vs. Allergan, Inc.; Allergan USA, Inc., et al.
3.	Document(s) Served:	Summons Complaint - Personal Injury, Property Damage, Wrongful Death Cause of Action- General Negligence Cause of Action- Products Liability
4.	Court/Agency:	Sonoma County Superior Court
5.	State Served:	California
6.	Case Number:	SCV-270446
7.	Case Type:	Negligence/Product Liability
8.	Method of Service:	Hand Delivered
9.	Date Received:	Thursday 03/24/2022
10.	Date to Client:	Tuesday 03/29/2022
11.	# Days When Answer Due: Answer Due Date:	30 Saturday 04/23/2022 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Brendan M. Kunkle Santa Rosa, CA 707-542-5050
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	051
16.	Notes:	Please note an unexpected delay in delivery of the document was experienced due to extreme weather conditions and an unusual handling and delivery by our courier service. We apologize for any inconvenience. Also Attached: * Attachment 3 * Notice of Assignment to One Judge for all Purposes, etc.

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

ALLERGAN, INC.; ALLERGAN USA, INC., and DOES 1 TO 60

ELECTRONICALLY FILED
Superior Court of California
County of Sonoma

3/22/2022 4:21 PM

Arlene D. Junior, Clerk of the Court
By: Janie Dorman, Deputy Clerk

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):
MERRILEE DADAOS and JAMES DADAOS

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Sonoma County Superior Court
600 Administration Drive, Room 107-J
Santa Rosa, CA 95403

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brendan M. Kunkle #173292 / John M. Sanford #300421

Abbey, Weitzenberg, Warren and Emery

100 Stony Point Road, Suite 200, Santa Rosa, CA 95401

(707) 542-5050

DATE: 3/22/2022 4:21 PM
(Fecha)

ARLENE D. JUNIOR, Clerk, by
(Secretario)

Janie Dorman, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

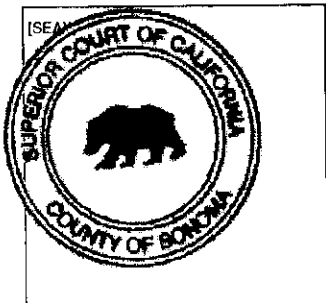
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): *Allergan Inc*
under: ☒ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

- ☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

4. ☒ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Brendan M. Kunkle 173292 / John M. Sanford 300421 Abbey, Weitzenberg, Warren and Emery 100 Stony Point Road, Suite 200 Santa Rosa, CA 95401 TELEPHONE NO.: (707) 542-5050 FAX NO. (Optional): (707) 542-2589 E-MAIL ADDRESS (Optional): jsanford@abbeylaw.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California County of Sonoma 3/22/2022 4:21 PM Arlene D. Junior, Clerk of the Court By: Janie Dorman, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sonoma STREET ADDRESS: 600 Administration Drive, Room 107-J MAILING ADDRESS: CITY AND ZIP CODE: Santa Rosa, CA 95403 BRANCH NAME:	
PLAINTIFF: MERRILEE DADAOS and JAMES DADAOS DEFENDANT: ALLERGAN, INC.; ALLERGAN USA, INC.; AND	
<input checked="" type="checkbox"/> DOES 1 TO 60 COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER: SCV-270446

1. **Plaintiff** (name or names): MERRILEE DADAOS and JAMES DADAOS

alleges causes of action against **defendant** (name or names): ALLERGAN, INC.; ALLERGAN USA, INC.; AND DOES 1 to 60

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☐ **except** plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ **except** plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
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 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name):

ALLERGAN, INC.

- (1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
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(2) ☐ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

- b. ☒ except defendant (name):

ALLERGAN USA, INC.

- (1) ☐ a business organization, form unknown
(2) ☒ a corporation
(3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe):
(5) ☐ other (specify):

- d. ☐ except defendant (name):

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(3) ☐ an unincorporated entity (describe):
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(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. ☒ Doe defendants (specify Doe numbers): 21 to 25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
b. ☒ Doe defendants (specify Doe numbers): 26 to 30 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (specify):

9. ☐ Plaintiff is required to comply with a claims statute, and

- a. ☐ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (specify):

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify):
Loss of consortium.

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify):
Loss of consortium and other damages according to proof.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 3/22/2022

JOHN M. SANFORD

(TYPE OR PRINT NAME)

John M. Sanford

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

CASE NUMBER:

DADAOS, et al. v. ALLERGAN, INC. et al.

FIRST

CAUSE OF ACTION- General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): MERRILEE DADAOS and JAMES DADAOS

alleges that defendant (name): ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 60

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date):

at (place):

(description of reasons for liability) :

On October 6, 2015, plaintiff MERRILEE DADAOS underwent a bilateral breast implant procedure at Sutter Santa Rosa in Santa Rosa, California. Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants were placed into plaintiff's chest. In October 2021, plaintiff developed significant swelling and pain in her breasts. She was then diagnosed with Breast Implant-Associated Anaplastic Large Cell Lymphoma (BIA-ALCL). On November 28, 2021, plaintiff underwent bilateral surgical removal of the implants and subsequent radiology, oncology, breast surgery, and plastic surgery treatment.

Defendants, and each of them, were negligent and failed to use reasonable care in their design, manufacture, sale, marketing, distribution, of the Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants. As a direct and proximate result of defendants' negligence, plaintiff developed BIA-ALCL. Plaintiff sustained significant personal injury as a result of developing BIA-ALCL.

Page 1 of 1

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

SECOND

CAUSE OF ACTION- Products Liability

Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): MERRILEE DADAOS

Prod. L-1. On or about (date): October 1, 2021 plaintiff was injured by the following product:
 Allergan Natrelle 410 Highly Cohesive Anatomically Shaped
 Silicone-Filled Breast Implants.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

☒ used in the manner intended by the defendants.☒ used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☒ purchaser of the product.☒ user of the product.☒ bystander to the use of the product.☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ Count One-Strict liability of the following defendants whoa. ☒ manufactured or assembled the product (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 10b. ☒ designed and manufactured component parts supplied to the manufacturer (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 11 to 20c. ☒ sold the product to the public (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 21 to 30Prod. L-5. ☒ Count Two-Negligence of the following defendants who owed a duty to plaintiff (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 31 to 40Prod. L-6. ☒ Count Three-Breach of warranty by the following defendants (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 41 to 50a. ☒ who breached an implied warrantyb. ☒ who breached an express warranty which was☒ written ☒ oralProd. L-7. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☒ as follows:

Does 51 to 60

Page 1 of 1

SHORT TITLE: - DADAOS, et al. v. ALLERGAN, INC. et al.	CASE NUMBER:
---	--------------

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

THIRD CAUSE OF ACTION
(Loss of Consortium)

1. Plaintiffs reallege and incorporate by reference the allegations contained in all the paragraphs above and below in this complaint.
2. Plaintiffs are, and at all relevant times alleged herein, were lawfully married.
3. As alleged above, and as a result of the conduct of the Defendants, Plaintiff MERRILEE DADAOS sustained significant injuries and damages.
4. As a direct and proximate result of the aforementioned injuries suffered by Plaintiff JAMES DADAOS's spouse, MERRILEE DADAOS, Plaintiff JAMES DADAOS has been deprived, continues to be deprived, and expects to be deprived in the future, of his spouse's companionship, affection, love, sexual relations, conjugal fellowship, physical assistance in maintaining the family home and comfort for a non-determinable length of time, which deprivation has caused, continues to cause, and in the future is expected to cause Plaintiff to suffer depression, emotional distress, loss of earning capacity, past, present, and future, and other injuries, the full extent of which has not yet been ascertained, but which will be stated according to proof at trial.
5. As a further direct and proximate result of the aforesaid conduct of defendants, and each of them, Plaintiff JAMES DADAOS has sustained a loss of consortium, love, society, comfort and affection with respect to Plaintiff MERRILEE DADAOS and has thereby sustained pecuniary loss in a sum within the jurisdictional limits of the Court, which will be stated according to proof at trial.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ____ of ____
(Add pages as required)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA CIVIL DIVISION 600 ADMINISTRATION DRIVE, ROOM 107-J SANTA ROSA, CALIFORNIA 95403-2878 (707) 521-6500 http://www.sonoma.courts.ca.gov MERRILEE DADAOS, et al. v. ALLERGAN, INC., et al.	(FOR COURT USE ONLY) ELECTRONICALLY FILED Superior Court of California County of Sonoma 3/22/2022 4:21 PM Arlene D. Junior, Clerk of the Court By: Janie Dorman, Deputy Clerk
NOTICE OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES, NOTICE OF CASE MANAGEMENT CONFERENCE, and ORDER TO SHOW CAUSE	Case Number: SCV-270446

**A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT
AND WITH ANY CROSS-COMPLAINT**

**1. THIS ACTION IS ASSIGNED TO HON.
FOR ALL PURPOSES.**

Pursuant to California Rules of Court, Rule 2.111(7), the assigned judge's name must appear below the number of the case and the nature of the paper on the first page of each paper presented for filing.

**2. EACH DEFENDANT MUST FILE A WRITTEN RESPONSE TO THE COMPLAINT AS REQUIRED
BY THE SUMMONS.**

A Case Management Conference has been set at the time and place indicated below:

Date: Thursday, 07/21/2022	Time: 3:00 PM	Courtroom: 19
Location: 3035 Cleveland Avenue #220, Santa Rosa, CA 95403		

3. No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement [Judicial Council form #CM-110] and serve it on all other parties in the case. In lieu of each party's filing a separate case management statement, any two or more parties may file a joint statement.

4. At the conference, counsel for each party and each self-represented party must appear personally or by telephone [California Rules of Court, Rule 3.670(c)(2)]; must be familiar with the case; and must be prepared to discuss and commit to the party's position on the issues listed in California Rules of Court, Rule 3.727.

5. Pre-approved dispositions are recorded three (3) court days prior to the case management conference. These may be obtained by calling (707) 521-6883 or by going to <http://sonoma.courts.ca.gov/online-services/tentative-rulings>.

ORDER TO SHOW CAUSE

To Plaintiff(s), Cross-complainants, and/or their attorneys of record:

If, on the date shown above, you are not in compliance with the requirements stated in the California Rules of Court, rules 2.30, 3.110, and/or 3.720 through 3.771 inclusive, you must then and there show cause why this court should not impose monetary and/or terminating sanctions in this matter.

Pursuant to California Rule of Court, rule 3.221(b), information and forms related to Alternative Dispute Resolution are available on the Court's website at <http://www.sonoma.courts.ca.gov/self-help/adr>.

ELECTRONIC SERVICE OF DOCUMENTS**Enabled by Local Rule 18.16**

Voluntary e-service is available in Sonoma County. The Court has pre-approved a Stipulation for cases in which the attorneys or parties choose e-service. A copy of the Stipulation is available under the "Civil" section in the "Division" tab of the Court website: <http://www.sonoma.courts.ca.gov>. The advantages of e-service to the parties include:

SAVE MONEY	Reduction in costs related to photocopying, retrieving, storing, messenger and postage fees. No special software is needed to use e-service
SAVE TIME	Instant service of your documents on all parties
SAVE SPACE	With 24/7 internet access to all documents, you do not need to house paper copies
GAIN CERTAINTY	Immediate confirmation of service for your records. Documents are not delayed in the mail or blocked by email spam blockers and firewalls

To take advantage of e-service, select an e-service provider and file the signed Stipulation with the Court. Parties can then e-serve documents through the selected provider. Information about e-service providers is available at the website for the Sonoma County Bar Association: <http://www.sonomacountybar.org>. The Court does not endorse one provider over another.

To learn more about available e-service providers and their fees, please visit their website

Note: *Hard-copy pleadings are required to be filed with the Court in accordance with applicable provisions of the Code of Civil Procedure, California Rules of Court and local rules. You do not need to provide a courtesy copy of a served document to the specific department in which the matter has been assigned.*

DISCOVERY FACILITATOR PROGRAM

Effective January 1, 2008, the Sonoma County Superior Court promulgated Sonoma County Local Rule 4.14 which established the Discovery Facilitator Program. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under Sonoma County Local Rule 5.5 and applicable provisions of the Code of Civil Procedure and California Rules of Court. This program has been providing assistance in resolving discovery disputes and reducing the backlog of matters on the law and motion calendars in our civil law departments. The Sonoma County Superior Court encourages all attorneys and parties to utilize the Discovery Facilitator Program in order to help resolve or reduce the issues in dispute whether or not a discovery motion is filed.

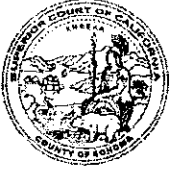
There is a link to Local Rule 4.14 and the list of discovery facilitator volunteers on the official website of the Sonoma County Superior Court at <http://www.sonoma.courts.ca.gov>. On the home page, under the "AVAILABLE PROGRAMS & HELP" section, click on >>[Discovery Facilitator Program](#). You can then click on either "Local Rule 4.14" to obtain the language of the local rule, or "List of Facilitators" for a list of the volunteer discovery facilitators and accompanying contact and biographical information.

Pursuant to Local Rule 5.1.C:

The moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any motion filed. The responding party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all opposition papers. Finally, the moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all reply papers.

Pursuant to Local Rule 5.1.C.1:

If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation.



Superior Court of California County of Sonoma

Shelly J. Averill
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior
Court Executive Officer

NOTICE OF NON-AVAILABILITY OF COURT REPORTERS

Monday, March 7, 2022

Policy Regarding Non-Availability of Official Court Reporting Services in Civil Departments of the Sonoma Superior Court. Pursuant to California Rule of Court 2.956 (b)(1), and effective immediately, the Superior Court of California, County of Sonoma, will post the Departments in which the services of Official Court Reporters will not normally be available during regular Court hours. A notice shall be posted on the outside of each affected Department and in the Clerk's Office, Room 107, Empire Annex, and Civil and Family Courthouse. The Court's Official Court Reporters are "not available" within the meaning of California Rules of Court, Rule 2.956, for court reporting of civil cases. As provided in Rule 2.956(3)(1), the term "civil cases" includes all matters other than criminal and juvenile matters. This non-availability extends to all civil cases hearings or proceedings of any kind or nature, including but not limited to law and motion hearings, ex parte applications, long-cause hearings and trials. Effective March 7, 2022, the departments which normally hear civil and probate cases are Departments 16, 17, 18, 19, 23 and 5 for Guardianships. As provided in Rule 2.956(c), parties may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is the party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law. If a party arranges and pays for the attendance of the certified shorthand reporter, none of the parties will be charged the reporter's attendance fee provided for in Government Code section 68086, subdivisions (a)(1) or (b)(1). The stenographic notes of the certified shorthand reporter are the official records of the court and shall be secured by the court in either paper and/or electronic format in accordance with Government Code section 69955(a), (b), (c) and (d). In all cases, the plaintiff shall serve "Notice of Non-Availability of Official Court Reporting Services in Civil Departments" ("Notice") with the complaint. Likewise, the cross-complainant must serve the Notice on any new parties to the action. The service information must be included on the Proof of Service of Summons. In addition, parties that file motions must serve the Notice on all parties in the case. The service information must be included on the Proof of Services by Mail. (Eff. 3/7/2022)

MAR 24 2022



Corporate Creations Network Inc.
801 US Highway 1 North Palm Beach, FL 33408

Allergan USA, Inc.
Ellen T. Klaus
AbbVie Inc.
1 North Waukegan Road
Bldg AP34
North Chicago IL 60064

03/29/2022

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2022-59

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. IMPORTANT: All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served:	Allergan USA, Inc.
2.	Title of Action:	Merrilee Dadaos and James Dadaos vs. Allergan, Inc.; Allergan USA, Inc., et al.
3.	Document(s) Served:	Summons Complaint - Personal Injury, Property Damage, Wrongful Death Cause of Action- General Negligence Cause of Action- Products Liability
4.	Court/Agency:	Sonoma County Superior Court
5.	State Served:	California
6.	Case Number:	SCV-270446
7.	Case Type:	Negligence/Product Liability
8.	Method of Service:	Hand Delivered
9.	Date Received:	Thursday 03/24/2022
10.	Date to Client:	Tuesday 03/29/2022
11.	# Days When Answer Due: Answer Due Date:	30 Saturday 04/23/2022 CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.
12.	Sop Sender: (Name, City, State, and Phone Number)	Brendan M. Kunkle Santa Rosa, CA 707-542-5050
13.	Shipped To Client By:	Email Only with PDF Link
14.	Tracking Number:	
15.	Handled By:	051
16.	Notes:	Please note an unexpected delay in delivery of the document was experienced due to extreme weather conditions and an unusual handling and delivery by our courier service. We apologize for any inconvenience. Also Attached: * Attachment 3 * Notice of Assignment to One Judge for all Purposes, etc.

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
ALLERGAN, INC.; ALLERGAN USA, INC., and DOES 1 TO 60

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):
MERRILEE DADAOS and JAMES DADAOS

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California
County of Sonoma
3/22/2022 4:21 PM
Arlene D. Junior, Clerk of the Court
By: Janie Dorman, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Sonoma County Superior Court
600 Administration Drive, Room 107-J
Santa Rosa, CA 95403

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brendan M. Kunkle #173292 / John M. Sanford #300421

Abbey, Weitzenberg, Warren and Emery

100 Stony Point Road, Suite 200, Santa Rosa, CA 95401

(707) 542-5050

DATE: 3/22/2022 4:21 PM

(Fecha)

ARLENE D. JUNIOR, Clerk, by
(Secretario)

Janie Dorman, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): *Allergan USA Inc*
under: ☒ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

- ☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

- ☒ by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Brendan M. Kunkle 173292 / John M. Sanford 300421 Abbey, Weitzenberg, Warren and Emery 100 Stony Point Road, Suite 200 Santa Rosa, CA 95401 TELEPHONE NO.: (707) 542-5050 FAX NO. (Optional): (707) 542-2589 E-MAIL ADDRESS (Optional): jsanford@abbeylaw.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California County of Sonoma 3/22/2022 4:21 PM Arlene D. Junior, Clerk of the Court By: Janie Dorman, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sonoma STREET ADDRESS: 600 Administration Drive, Room 107-J MAILING ADDRESS: CITY AND ZIP CODE: Santa Rosa, CA 95403 BRANCH NAME:	CASE NUMBER: SCV-270446
PLAINTIFF: MERRILEE DADAOS and JAMES DADAOS DEFENDANT: ALLERGAN, INC.; ALLERGAN USA, INC.; AND <input checked="" type="checkbox"/> DOES 1 TO <u>60</u>	
COMPLAINT-Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	

1. Plaintiff (name or names): MERRILEE DADAOS and JAMES DADAOS

alleges causes of action against defendant (name or names): ALLERGAN, INC.; ALLERGAN USA, INC.; AND DOES 1 to 60

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name):

ALLERGAN, INC.

(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☒ except defendant (name):

ALLERGAN USA, INC.

(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 21 to 25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 26 to 30 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (*specify*):
Loss of consortium.

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):
Loss of consortium and other damages according to proof.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit, for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 3/22/2022

JOHN M. SANFORD

(TYPE OR PRINT NAME)

John M. Sanford

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION- General Negligence

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): MERRILEE DADAOS and JAMES DADAOS

alleges that defendant (name): ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 60

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date):

at (place):

(description of reasons for liability) :

On October 6, 2015, plaintiff MERRILEE DADAOS underwent a bilateral breast implant procedure at Sutter Santa Rosa in Santa Rosa, California. Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants were placed into plaintiff's chest. In October 2021, plaintiff developed significant swelling and pain in her breasts. She was then diagnosed with Breast Implant-Associated Anaplastic Large Cell Lymphoma (BIA-ALCL). On November 28, 2021, plaintiff underwent bilateral surgical removal of the implants and subsequent radiology, oncology, breast surgery, and plastic surgery treatment.

Defendants, and each of them, were negligent and failed to use reasonable care in their design, manufacture, sale, marketing, distribution, of the Allergan Natrelle 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants. As a direct and proximate result of defendants' negligence, plaintiff developed BIA-ALCL. Plaintiff sustained significant personal injury as a result of developing BIA-ALCL.

SHORT TITLE:

CASE NUMBER:

DADAOS, et al. v. ALLERGAN, INC. et al.

SECOND**CAUSE OF ACTION- Products Liability**Page 5

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Plaintiff (name): MERRILEE DADAOS

Prod. L-1. On or about (date): October 1, 2021 plaintiff was injured by the following product:
 Allergan Natrelle 410 Highly Cohesive Anatomically Shaped
 Silicone-Filled Breast Implants.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being

☒ used in the manner intended by the defendants.☒ used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

☒ purchaser of the product.☒ user of the product.☒ bystander to the use of the product.☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ **Count One-Strict liability** of the following defendants whoa. ☒ manufactured or assembled the product (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 1 to 10b. ☒ designed and manufactured component parts supplied to the manufacturer (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 11 to 20c. ☒ sold the product to the public (names):

ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 21 to 30

Prod. L-5. ☒ **Count Two-Negligence** of the following defendants who owed a duty to plaintiff (names):
 ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 31 to 40

Prod. L-6. ☒ **Count Three-Breach of warranty** by the following defendants (names):
 ALLERGAN, INC.; ALLERGAN USA, INC.; AND

☒ Does 41 to 50a. ☒ who breached an implied warrantyb. ☒ who breached an express warranty which was☒ written ☒ oral

Prod. L-7. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
☐ listed in Attachment-Prod. L-7 ☒ as follows:

Does 51 to 60

Page 1 of 1

SHORT TITLE:

- DADAOS, et al. v. ALLERGAN, INC. et al.

CASE NUMBER:

ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

THIRD CAUSE OF ACTION

(Loss of Consortium)

1. Plaintiffs reallege and incorporate by reference the allegations contained in all the paragraphs above and below in this complaint.
2. Plaintiffs are, and at all relevant times alleged herein, were lawfully married.
3. As alleged above, and as a result of the conduct of the Defendants, Plaintiff MERRILEE DADAOS sustained significant injuries and damages.
4. As a direct and proximate result of the aforementioned injuries suffered by Plaintiff JAMES DADAOS's spouse, MERRILEE DADAOS, Plaintiff JAMES DADAOS has been deprived, continues to be deprived, and expects to be deprived in the future, of his spouse's companionship, affection, love, sexual relations, conjugal fellowship, physical assistance in maintaining the family home and comfort for a non-determinable length of time, which deprivation has caused, continues to cause, and in the future is expected to cause Plaintiff to suffer depression, emotional distress, loss of earning capacity, past, present, and future, and other injuries, the full extent of which has not yet been ascertained, but which will be stated according to proof at trial.
5. As a further direct and proximate result of the aforesaid conduct of defendants, and each of them, Plaintiff JAMES DADAOS has sustained a loss of consortium, love, society, comfort and affection with respect to Plaintiff MERRILEE DADAOS and has thereby sustained pecuniary loss in a sum within the jurisdictional limits of the Court, which will be stated according to proof at trial.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ____ of ____
(Add pages as required)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA CIVIL DIVISION 600 ADMINISTRATION DRIVE, ROOM 107-J SANTA ROSA, CALIFORNIA 95403-2878 (707) 521-6500 http://www.sonoma.courts.ca.gov MERRILEE DADAOS, et al. v. ALLERGAN, INC., et al.	(FOR COURT USE ONLY) ELECTRONICALLY FILED Superior Court of California County of Sonoma 3/22/2022 4:21 PM Arlene D. Junior, Clerk of the Court By: Janie Dorman, Deputy Clerk
NOTICE OF ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES, NOTICE OF CASE MANAGEMENT CONFERENCE, and ORDER TO SHOW CAUSE	Case Number: SCV-270446

**A COPY OF THIS NOTICE MUST BE SERVED WITH THE SUMMONS AND COMPLAINT
AND WITH ANY CROSS-COMPLAINT**

**1. THIS ACTION IS ASSIGNED TO HON.
FOR ALL PURPOSES.**

Pursuant to California Rules of Court, Rule 2.111(7), the assigned judge's name must appear below the number of the case and the nature of the paper on the first page of each paper presented for filing.

**2. EACH DEFENDANT MUST FILE A WRITTEN RESPONSE TO THE COMPLAINT AS REQUIRED
BY THE SUMMONS.**

A Case Management Conference has been set at the time and place indicated below:

Date: Thursday, 07/21/2022	Time: 3:00 PM	Courtroom: 19
Location: 3035 Cleveland Avenue #220, Santa Rosa, CA 95403		

3. No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement [Judicial Council form #CM-110] and serve it on all other parties in the case. In lieu of each party's filing a separate case management statement, any two or more parties may file a joint statement.

4. At the conference, counsel for each party and each self-represented party must appear personally or by telephone [California Rules of Court, Rule 3.670(c)(2)]; must be familiar with the case; and must be prepared to discuss and commit to the party's position on the issues listed in California Rules of Court, Rule 3.727.

5. Pre-approved dispositions are recorded three (3) court days prior to the case management conference. These may be obtained by calling (707) 521-6883 or by going to <http://sonoma.courts.ca.gov/online-services/tentative-rulings>.

ORDER TO SHOW CAUSE

To Plaintiff(s), Cross-complainants, and/or their attorneys of record:

If, on the date shown above, you are not in compliance with the requirements stated in the California Rules of Court, rules 2.30, 3.110, and/or 3.720 through 3.771 inclusive, you must then and there show cause why this court should not impose monetary and/or terminating sanctions in this matter.

Pursuant to California Rule of Court, rule 3.221(b), information and forms related to Alternative Dispute Resolution are available on the Court's website at <http://www.sonoma.courts.ca.gov/self-help/adr>.

ELECTRONIC SERVICE OF DOCUMENTS**Enabled by Local Rule 18.16**

Voluntary e-service is available in Sonoma County. The Court has pre-approved a Stipulation for cases in which the attorneys or parties choose e-service. A copy of the Stipulation is available under the "Civil" section in the "Division" tab of the Court website: <http://www.sonoma.courts.ca.gov>. The advantages of e-service to the parties include:

SAVE MONEY	Reduction in costs related to photocopying, retrieving, storing, messenger and postage fees. No special software is needed to use e-service
SAVE TIME	Instant service of your documents on all parties
SAVE SPACE	With 24/7 internet access to all documents, you do not need to house paper copies
GAIN CERTAINTY	Immediate confirmation of service for your records. Documents are not delayed in the mail or blocked by email spam blockers and firewalls

To take advantage of e-service, select an e-service provider and file the signed Stipulation with the Court. Parties can then e-serve documents through the selected provider. Information about e-service providers is available at the website for the Sonoma County Bar Association: <http://www.sonomacountybar.org>. The Court does not endorse one provider over another.

To learn more about available e-service providers and their fees, please visit their website

***Note:** Hard-copy pleadings are required to be filed with the Court in accordance with applicable provisions of the Code of Civil Procedure, California Rules of Court and local rules. You do not need to provide a courtesy copy of a served document to the specific department in which the matter has been assigned.*

DISCOVERY FACILITATOR PROGRAM

Effective January 1, 2008, the Sonoma County Superior Court promulgated Sonoma County Local Rule 4.14 which established the Discovery Facilitator Program. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under Sonoma County Local Rule 5.5 and applicable provisions of the Code of Civil Procedure and California Rules of Court. This program has been providing assistance in resolving discovery disputes and reducing the backlog of matters on the law and motion calendars in our civil law departments. The Sonoma County Superior Court encourages all attorneys and parties to utilize the Discovery Facilitator Program in order to help resolve or reduce the issues in dispute whether or not a discovery motion is filed.

There is a link to Local Rule 4.14 and the list of discovery facilitator volunteers on the official website of the Sonoma County Superior Court at <http://www.sonoma.courts.ca.gov>. On the home page, under the "AVAILABLE PROGRAMS & HELP" section, click on >>[Discovery Facilitator Program](#). You can then click on either "Local Rule 4.14" to obtain the language of the local rule, or "List of Facilitators" for a list of the volunteer discovery facilitators and accompanying contact and biographical information.

Pursuant to Local Rule 5.1.C:

The moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any motion filed. The responding party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all opposition papers. Finally, the moving party shall, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of all reply papers.

Pursuant to Local Rule 5.1.C.1:

If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation.



Superior Court of California County of Sonoma

Shelly J. Averill
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior
Court Executive Officer

NOTICE OF NON-AVAILABILITY OF COURT REPORTERS

Monday, March 7, 2022

Policy Regarding Non-Availability of Official Court Reporting Services in Civil Departments of the Sonoma Superior Court. Pursuant to California Rule of Court 2.956 (b)(1), and effective immediately, the Superior Court of California, County of Sonoma, will post the Departments in which the services of Official Court Reporters will not normally be available during regular Court hours. A notice shall be posted on the outside of each affected Department and in the Clerk's Office, Room 107, Empire Annex, and Civil and Family Courthouse. The Court's Official Court Reporters are "not available" within the meaning of California Rules of Court, Rule 2.956, for court reporting of civil cases. As provided in Rule 2.956(3)(1), the term "civil cases" includes all matters other than criminal and juvenile matters. This non-availability extends to all civil cases hearings or proceedings of any kind or nature, including but not limited to law and motion hearings, ex parte applications, long-cause hearings and trials. Effective March 7, 2022, the departments which normally hear civil and probate cases are Departments 16, 17, 18, 19, 23 and 5 for Guardianships. As provided in Rule 2.956(c), parties may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is the party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law. If a party arranges and pays for the attendance of the certified shorthand reporter, none of the parties will be charged the reporter's attendance fee provided for in Government Code section 68086, subdivisions (a)(1) or (b)(1). The stenographic notes of the certified shorthand reporter are the official records of the court and shall be secured by the court in either paper and/or electronic format in accordance with Government Code section 69955(a), (b), (c) and (d). In all cases, the plaintiff shall serve "Notice of Non-Availability of Official Court Reporting Services in Civil Departments" ("Notice") with the complaint. Likewise, the cross-complainant must serve the Notice on any new parties to the action. The service information must be included on the Proof of Service of Summons. In addition, parties that file motions must serve the Notice on all parties in the case. The service information must be included on the Proof of Services by Mail. (Eff. 3/7/2022)

MAR 24 2022